Issue Paper: Agricultural Impacts - Mitigation

Issue Statement: It has been acknowledged that many CALFED actions will result in significant impacts to elements of the existing environment related to agriculture, primarily the conversion of land and reallocation of water for other purposes. The issue before CALFED is whether or not CALFED should provide mitigation for these impacts.

Action: CALFED should develop explicit policy as to its role and responsibility to mitigate for significant environmental impacts to agriculture caused by CALFED actions.

Background:
The CALFED Bay-Delta Program is the most ambitious and comprehensive undertaking of its kind in the United States. It embodies several program components when integrated together form a strategy to ensure a healthy ecosystem, reliable water supplies, good water quality, and stable levees in California's Bay-Delta. These components include an Ecosystem Restoration Program, a Water Use Efficiency Program, a Water Quality Program, a Levee System Integrity Program, a Watershed Management Program, a Water Transfers Policy, a Storage and Conveyance component, and an Assurances and Financing Package. When taken as a whole the CALFED Bay-Delta Program will meet the above-stated objectives while adhering to a set of six Solution Principles. According to these principles the solution must: 1) reduce conflicts among beneficial uses of water; 2) be equitable; 3) be affordable; 4) be durable; 5) be implementable; and 6) have no significant redirected impacts.

The draft Programmatic EIS/EIR has identified the existing environment including the extent of important farmlands and water resources in the CALFED Solution Area, and significant impacts to agricultural resources that could result from CALFED actions.

While the CALFED Program may have the potential to offer many benefits to agriculture, it is apparent that each CALFED program element could result in significant impacts to the California agricultural resource base, particularly agricultural land, agricultural water supply, and agricultural water quality. These changes to the existing environment may have associated socio-economic consequences to local communities, local jurisdictions, and local economies. The key benefits from the currently proposed CALFED Program that the agricultural community wants is improved water supply reliability and protection of water and property rights. Appropriate mitigation measures made an integral part of the CALFED Program could provide these benefits and assurances to agriculture.

Others believe that agricultural activities over the past 150 years are in large measure the cause of fish and wildlife degradation in the Delta and beyond. Thus, it is appropriate that a significant reallocation of land and water from agriculture to fish and wildlife purposes is not only needed to restore ecological health, but is also warranted on a public policy basis. It then follows that there is no need to mitigate agricultural impacts resulting from land and water reallocated for what some perceive as a less intensive use of land and water resources. Furthermore, if agricultural resource mitigation was incorporated as part

C-016507

of the CALFED Program, it would make land and water acquisition for fish and wildlife purposes, to the extent presumed to be required, too expensive.

There is extensive State policy to protect agricultural resources. One of the major principles of the state's agricultural policy shall be to sustain the long-term productivity of the state's farms by conserving and protecting the soil, water, and air which are agriculture's basic resources. In promoting and protecting the agricultural industry, the Legislature will review actions for their effects on 13 factors, including productive agricultural land, and agricultural water supplies. (Thurman Agricultural Policy Act; FAC Sec. 821, 822)

Lands suitable for agricultural use shall not be converted to nonagricultural uses unless continued agricultural use is not feasible or such conversion would preserve prime agricultural land. (PRC Sec. 30242)

The goal of the California Wetlands Conservation Policy is to achieve a long term increase in wetlands acreage, functions and values in California. Steps taken to achieve this goal shall emphasize maintaining economic use (e.g., agriculture) of restored and enhanced lands and be achieved through the voluntary participation of landowners. (Executive Order W-59-93)

There is also extensive Federal policy that supports the protection of agricultural lands. The Federal Farmland Protection Policy Act of 1981 (FPPA) provided for the development and use of the LESA model to assess the impacts of Federal projects on agricultural land. The final assessment methodology was approved in June, 1994.

Appendix G of the CEQA Guidelines lists significant effects. Item (y) of the list is to convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural land.

Options:

1. CALFED can adopt a policy that recognizes that agriculture is a part of the environment and that impacts due to CALFED actions should be avoided, reduced, mitigated to the greatest extent practicable or fully mitigated.*
2. CALFED can adopt a policy that it is in the best interest of fish and wildlife and the people of California that agricultural resource be converted to habitat and that there is no need or it is not feasible to mitigate impacts to agriculture (Statement of Overriding Consideration).

*CALFED can restructure the ERPP and other programs to take a "bottom-up" rather than "top-down" approach that directly involves local land owners through Resource Conservation Districts, Reclamation Districts, water districts, watershed groups, Farm Bureaus, etc. to develop local projects to implement CALFED common programs. This approach could greatly improve "buy-in" and reduce mitigation requirements.

C-016508